

The Role of the Joint Chiefs of Staff in the Congressional and Executive Budget Process

CSC 1999

Subject Area – National Military Strategy

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Preface

In September 1998, the Joint Chiefs of Staff appeared before the Senate Committee on Armed Services to testify on the status of U.S. Military Forces. During the hearing, the Service Chiefs were harshly criticized by several senators for, what the Senators believed to be, less than forthright testimony during previous hearings. The men and women of the Armed Forces were heartened to hear the joint chiefs champion the cause of readiness and fight for increased funding. However, it was disturbing to hear the integrity of the service chiefs questioned. Most service members do not have a clear understanding of the role of the joint chiefs and there are many misconceptions about the political forces that shape the defense budget. The goal of this paper is to provide a context for the September hearing by describing the role of the joint chiefs in producing the defense budget and some of the political forces that shape it. The paper also investigates the history of the JCS to provide an historical context to the current role of the chiefs.

A special thanks to Barbara A. Butler without whose help this paper would not have been possible.

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Chapter 1

Introduction

In September 1998, the Joint Chiefs of Staff testified before the Senate Armed Services Committee (SASC) on the issue of military readiness. Several senators criticized the members of the JCS for testimony during the hearing, which was inconsistent with previous testimony. Several senators questioned the veracity of JCS testimony in February 1998 that supported the president's 1999 budget request. During the hearing, the service chiefs said, for the first time, that the president's 1999 budget and the planned funding level in the 1997 Balanced Budget Agreement are not adequate to maintain short term military readiness and provide funds for the necessary long term modernization programs. The exchange between the senators of the committee and the JCS highlights the tensions between the legislative and the executive branches of the U.S. government and the service chiefs' difficult role of serving both.

Article I, Section 8, of the Constitution assigns to Congress the power "To raise and support armies... provide and maintain a navy; [and] make rules for the government and regulation of the land and naval forces." The framers of the Constitution also granted the office of the commander in chief to the president, allowing him to order the forces provided by Congress but not to determine their size or composition. This dual responsibility for military affairs is intended to observe George Mason's warning that the purse and the sword should not fall into the same hands.¹ Checks and balances like this are an essential part of the U.S. Constitution. However, the separation of responsibility for military affairs is vague and the Constitution fails to specify where the authority of

¹ Christopher M. Bourne, "Unintended Consequences of the Goldwater-Nichols Act," *Joint Force Quarterly*, Spring 1998, 100.

the commander in chief ends and that of the Congress begins. The president and the Congress have struggled since the founding of the republic over the limits imposed on their respective authority. This controversy has enmeshed the Joint Chiefs of Staff since their inception during World War II.²

The friction over military policy increases when different political parties control the Congress and the presidency. Since 1994, the Republican Party has been the majority party in both the Senate and the House of Representatives while the Democratic Party has controlled the presidency since 1992. The September 1998 hearing highlighted the disagreements between the Republicans and Democrats over defense policy. The defense budget is an important political issue for both sides and they seek the support of the members of the joint chiefs for their opposing views.

The relationship between the uniformed military and the civilian policymakers is based on the principle of civilian control. Loyalty and deference to the commander in chief by the military is an essential element of the American system of civilian control of the military. As military officers, the members of the joint chiefs obey the orders of the commander in chief and support his programs and policies. However military officers also have a responsibility to provide accurate and forthright testimony to the Congress. Following the September 1998 Senate Armed Services Committee hearing, the Washington Post reported that “the military’s service chiefs received a scolding yesterday from senators for being slow to sound an alarm about declining readiness, suggesting the four-star generals and admirals had been less than forthcoming in testimony just several months ago.”³ This thesis will seek to demonstrate that the September hearing was an

² Bourne, 100.

³ Bradley Graham, “Senators Scold Military Chiefs,” *Washington Post*, 30 September 1998, Sec. A2.

attempt by the joint chiefs to influence the president's FY2000 budget proposal. The paper will show that predominate role of the joint chiefs in the budget process is to provide legitimacy to the policies of the president and Congress. Moreover, the size of the defense budget is a political calculation on the part of the president and the Congress over which the service chiefs have very little influence.

Chapter 2

Senate Committee on Armed Services

Table 1. September 1998 SASC hearing, Committee members and Witnesses

“The Players”	
<u>The Committee</u>	
Sen. Strom Thurmond (R-SC) Chairman	Sen. Carl Levin (D-MI)
Sen. John Warner (R-VA)	Sen. Joseph Lieberman (D-CT)
Sen. James Inhofe (R-OK)	Sen. Max Cleland (D-GA)
Sen. Pat Roberts (R-KS)	Sen. Charles Robb (D-VA)
Sen. John McCain (R-AZ)	Sen. Kempthorne
Sen. Rick Santorum (R-PA)	Sen. John Glenn (D-OH)
Sen. Robert Smith (R-NH)	
Sen. Olympia Snowe (R-ME)	
<u>The Joint Chiefs of Staff</u>	
General Henry H. Shelton – Chairman	
General Dennis J. Reimer – Army Chief of Staff	
Admiral Jay L. Johnson, - Chief of Naval Operations	
General Michael E. Ryan – Air Force Chief of Staff	
General Charles C. Krulak – Commandant of the Marine Corps	

The Senate Armed Services Committee (SASC) is responsible for the “comprehensive study and review of matters relating to the common defense policy of the United States.”⁴ This includes aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations; the common defense; the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force; promotion, retirement, and other benefits and privileges of members of the armed forces; and strategic and critical

⁴ U.S. Congress, Senate, Committee on Armed Services, *About the Senate Armed Services Committee*, URL: <www.senate.gov/~armed_services/about.htm>., accessed 15 February 1999.

materials necessary for the common defense. As an authorization committee, the SASC recommends policies that shape national security activities.

During the congressional budget cycle, the full committee of the SASC conducts the military posture hearings early in February after the president's budget has been submitted to Congress. The hearings are the first opportunity for the JCS, the service secretaries, and the Secretary of Defense to defend the president's recently released budget before the SASC. During the hearings the Secretary of Defense, the chairman, the service secretaries, and the military chiefs testify on the status of the services, including readiness issues, and justify policies and programs contained in the Defense Authorization Request. In February 1998, the SASC conducted four posture hearings – a hearing on the Defense Authorization Request for FY 1999 and the annual force readiness review, during which Secretary Cohen and General Shelton testified, and a posture hearing for each of the military departments (Army, Navy, and Air Force). The service secretaries and the military service chiefs appeared before the SASC during the posture hearings.

February 1998 Posture Hearings

During the February 1998 posture hearings, all of the service chiefs, with the exception of General Krulak, fully supported the president's FY 1999 budget proposal. During the Navy posture hearing the SASC Chairman, Senator Strom Thurmond, made the following statement:

I would like to summarize a few of the key points that have evolved since our last Navy posture hearing. The Congress and the administration reached a budget agreement, which will restrict Congress' ability to add new funds to the President's request. In real terms, the fiscal year 1999 Navy Department budget request is 1.7 percent less than appropriated and authorized for fiscal 1998.

Within the declining budget request, modernization continues to pay the greatest price for budget inadequacies.⁵

During his opening statement before the committee, Admiral Johnson said that, “With regard to our budget, I believe it to be a good balanced budget. It does reflect the Quadrennial Defense Review. I feel good about our budget submission and we are anxious to discuss it with you.”⁶ Senator Inhofe asked Admiral Johnson if the president’s budget “does reflect and satisfy the needs, the total needs, of the Navy?”⁷ Admiral Johnson replied; “My answer to that could go on for some time. The short answer, again sir, would be yes because I am very proud of striking the balance that we have done in that budget.”⁸ The Chiefs of Staff of the Army and Air Force made similar statements in support of the President’s budget.

In mid-September 1998, the Joint Chiefs of Staff met with the Secretary of Defense and the president at the National Defense University in Washington to voice their concerns about declining readiness in the U.S. military. Following the meeting the president called for “immediate relief in the form of a supplemental appropriation for FY 1999 to address shortages in spare parts, Navy recruitment, Army training and other accounts related to the ability of U.S. forces to conduct operations.”⁹ The president made this pledge in a letter to Secretary of Defense Cohen and General, H. Hugh Shelton, Chairman of the Joint Chiefs of Staff. The letter was sent one week before the JCS were scheduled to testify before the SASC about the state of readiness in the hope that it would

⁵ U.S. Congress, Senate, Committee on Armed Services. *Department of Defense Authorization for Appropriations for Fiscal Year 1999 and the Future Years Defense Program*, Hearing, 105th Cong., 2nd sess., 5 February 1998, S201 1-14.2, 116-269.

⁶ Committee on Armed Services, Hearing, 5 February 1998.

⁷ Committee on Armed Services, Hearing, 5 February 1998.

⁸ Committee on Armed Services, Hearing, 5 February 1998.

⁹ Bradley Graham, “Revised Defense Budget Invited, Clinton Pledges Immediate Relief to Preserve Military Readiness,” *Washington Post*, 23 September 1998, Sec. A2.

defuse some of the tension between republican lawmakers and administration officials over the extent of the problem.¹⁰

The September Hearing

The purpose of the 29 September 1998, SASC full committee hearing was to “receive testimony regarding the status of U.S. Military forces and their ability to successfully execute the National Military Strategy.”¹¹ The joint chiefs raised many readiness issues including the following examples:

- Significant increases in shortages of spare parts and maintenance backlogs in all the services.
- Growing problems in recruiting and retention in all the services.
- Pay gap for military pay relative to civilian pay of 8.5% to 13.5%.
- Congress cut retirement benefits in 1986 for the most junior two-thirds of the force – the so-called REDUX retirement system. This is having a negative impact on retirement. All five members of the JCS listed the REDUX retirement system as their number one readiness and retention problem.
- The FY 1999 budget underfunds the Army by \$5 billion, the Navy by \$6 billion, the Air Force by \$5 billion, and the Marine Corps by \$1.5 billion.
- The Navy’s ship construction backlog continues to grow and the shipbuilding rate needs to increase from 6-7 ships per year to 8-10 ships per year. According to the CNO, Navy recapitalization and modernization is at a critical juncture and needs to be increased now.
- The president’s budget does not meet the needs of the Marine Corps and effectively mortgages the readiness of tomorrow’s Marine Corps. The Marine Corps lacks funding for modernization in the 2000-2010 time frame.
- The Air Force is experiencing a slow but steady decline in readiness, which is projected to continue in key areas.
- The average age of Air Force fighters is up from 8 years in FY1990 to 20 years now, and will reach 30 years in 2010.

The joint chiefs warned the committee that spending levels must be increased in order to avoid a sharp reduction in military readiness. During his opening remarks, Admiral Johnson said that, “In procurement, we are unable to fund the QDR force of 305

¹⁰ Graham, “Revised Defense Budget Invited,” *Washington Post*, 23 September 1998.

ships. We are averaging six to seven ships a year; as you know, we need eight to 10 ships a year by fiscal year 2005.”¹²

The Military Force Structure Review Act of 1986 required the Department of Defense to conduct a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies through the year 2005. The result was the *Report of the Quadrennial Defense Review* (QDR) which was released in May 1997. The QDR offered a strategy of shape-respond-prepare allowing for the near simultaneous conduct of two major theater wars as well as smaller contingencies. It assumed an annual DOD budget of \$250 billion extended over time and recommended no major changes to the force structure.¹³

Senator Thurmond asked each of the service chiefs and the chairman if they “believe that the funding contained in the fiscal year 1999 budget or the planned funding that was contained in the Balanced Budget Agreement of 1997, are sufficient to maintain military readiness in the near term and provide the necessary modernization programs for the future?”¹⁴ The joint chiefs answered as follows:

General Reimer: “Mr. Chairman, no, I do not believe it is enough to get the [right] balance.”

Admiral Johnson: “My answer, sir, would be no.”

General Shelton: “Mr. Chairman, the answer would be no, [it is not enough] to maintain the balance that we feel like is necessary to maintain [the balance] between the three key elements of our overall readiness posture; quality of life, current readiness, and modernization.”

General Ryan: “Mr. Chairman, no.”

¹¹ U.S. Congress, Senate, Committee on Armed Services, *Status of U.S. Military Forces*, Hearing, 105th Cong., 2nd sess., 29 September 1998.

¹² Committee on Armed Services, *Status of U.S. Military Forces*, Hearing, 29 September 1998.

¹³ National Defense Panel, “National Security in the 21st Century: The Challenge of Transformation, *Joint Force Quarterly* (Summer 1997): 16.

¹⁴ Committee on Armed Services, *Status of U.S. Military Forces*, Hearing, 29 September 1998.

General Krulak: “Sir, the answer is no.”¹⁵

Many of the Senators on the committee reacted strongly to these statements.

Senator John McCain said that;

“...this is almost an Orwellian experience for me to have you here today as opposed to your appearance last February when you came before this committee and gave a dramatically different view of the readiness and requirements that the military needs to maintain our capabilities.”¹⁶

The joint chiefs attempted to deflect criticism of their February testimony by arguing that significant events between February and September 1998 had caused a change to the situation and increased their readiness concerns. Admiral Johnson listed three factors which lead to the change in the Navy’s readiness between February and September 1998 – the Navy’s heavy operational tempo, an underestimation of the impact of the economy and the record-low unemployment rates on both recruiting and retention, and the growing realization that the QDR plan is not enough to balance near-term and long-term requirements.¹⁷ In his prepared statement, General Shelton attempted to shift some of the blame to Congress:

after the Services and DOD carefully shaped the defense budget to balance our competing requirements, fine tuning it to get just the right mix, the Congress, with the best of intentions, moved some things forward and added some items that were not requested. This altered the delicate balance and created shortfalls in other areas that caused problems for us.¹⁸

The September hearing was not part of the standard congressional budget process. It was a special hearing scheduled by the committee chairman for the purpose of receiving testimony from the joint chiefs on the decline in military readiness. The timing of the hearing was important to the joint chiefs. Congress had completed action on the

¹⁵ Committee on Armed Services, *Status of U.S. Military Forces*, Hearing, 29 September 1998.

¹⁶ Committee on Armed Services, *Status of U.S. Military Forces*, Hearing, 29 September 1998.

¹⁷ Committee on Armed Services, *Status of U.S. Military Forces*, Hearing, 29 September 1998.

FY1999 defense budget and the president would not release his FY2000 budget until February 1999. Holding the hearing "between budgets" allowed the joint chiefs to voice their concerns about the level of defense spending without directly challenging the president's budget. JCS criticism of the president's FY2000 budget proposal during the annual posture hearings in February would be an embarrassing and public break with administration budget policies. In short, the hearing was an attempt by the JCS, with support from the republican members of the SASC, to put political pressure on the president for an increase in the FY2000 defense budget. The hearing also provided legitimacy for defense spending measures favored by the republicans.

¹⁸ Committee on Armed Services, *Status of U.S. Military Forces*, Hearing, 29 September 1998.

Chapter 3

Historical Perspective

The Joint Chiefs of Staff was established early in 1942 as a counterpart to the British Chiefs of Staff Committee. After the end of World War II, an exhaustive debate ensued on how to organize the postwar military. After nearly two years of study, debate, and political maneuvering, the National Security Act of 1947 created a loose confederation of large, rigid service bureaucracies. Amendments to the National Security Act in 1949, 1953, and 1958 strengthened to secretary's authority and expanded the size and purview of his staff but did little to alter the relative influence of the joint military system and the services.¹⁹ The power of the services remained predominant until 1986. The issues of JCS support for administration policies when testifying to Congress and civilian acceptance or rejection of JCS policy advice are not new. These issues were raised during the September 1998 SASC hearing and the JCS have wrestled with them throughout its history.

Truman Administration

In 1949, the chiefs asked for a \$9 billion supplement and in 1950 they requested a total budget of \$29.4 billion. President Truman set a ceiling for these budgets at \$3 billion and \$15 billion respectively. Secretary of Defense James Forrestal appealed to the service chiefs to reduce their budget requests. He told them that if they would produce a budget in the vicinity of the president's ceilings, he would attempt to get the president to raise the ceilings. The chiefs eventually agreed on a \$3.48 billion supplement and in fiscal year 1950 a total budget of \$16.9 billion. However, president refused to raise the

ceilings despite a direct appeal by the service chiefs.²⁰ In May 1948, Truman made his decisions on the ceilings and informed the joint chiefs that he expected them to support his decisions publicly and privately. Secretary Forrestal reinforced the president's demands by sending a memorandum to the chiefs directing them to keep their differences within the Department of Defense. The secretary added that if any chief felt he could not do so when testifying before the Congress, he ought to resign.²¹

Despite these directives, the service chiefs were outspoken about their opposition to several administration policies while testifying before Congress. Air Force Chiefs of Staff Spaatz and Vandenberg argued against the administration's balanced force posture and urged Congress to fund fifteen additional air groups for the Air Force.²²

Louis Johnson assumed the office of Secretary of Defense in the March 1949. On April 23, 1949 Johnson canceled construction of the super-carrier *United States*. Johnson saw himself as the president's representative to the Department of Defense enforcing the administration's will on an avaricious military. Johnson never tried to raise the White House budget ceilings but took every opportunity to reduce spending levels in the Pentagon. Without consulting the JCS, Johnson ordered a \$1 billion reduction in 1950 expenditures and directed the services to agree on a budget for 1951 below \$13.5 billion. The service chiefs submitted budgets that totaled \$13.31 billion. Johnson cut the budget by \$120 million and the Bureau of the Budget reduced the figure by an additional \$1 billion. The joint chiefs accepted both reductions without complaint and vigorously

¹⁹ General David C. Jones, USAF (Ret.), "Past Organizational Problems," *Joint Force Quarterly*, Autumn 1996, 24.

²⁰ Lawrence J. Korb, *The Joint Chiefs of Staff - The First Twenty-five Years* (Bloomington: Indiana University Press, 1976), 98.

²¹ Korb, 99.

²² Korb, 99.

defended the \$12.2 billion before a stunned Congress. Army Chief Collins actually tried to demonstrate to Congress that the Army contributed more to the nation's defense with fewer troops. Following the cancellation of the *United States*, Secretary of the Navy Sullivan resigned in protest and most of the Navy's senior officer corps was outraged. CNO Louis Denfeld accepted the Johnson's decision to cancel the carrier and urged his fellow officers to do the same. This episode came to be known as the "revolt of the admirals" and eventually cost Denfeld his job.²³

Robert Lovett assumed the office of Secretary of Defense in September 1951 and worked with the chiefs on the last budget of the Truman administration, the FY 1953 budget. The budget was based on force level estimates made by the JCS and approved by the National Security Council. However, force level estimate resulted in a \$71 billion budget proposal. Secretary Lovett directed the JCS to prepare an alternate budget with a ceiling of \$45 billion. Lovett and the joint chiefs eventually agreed to a \$55 billion compromise budget. The Bureau of the Budget and the president reduced this compromise by \$3 billion and the president presented a \$52 billion defense budget to the Congress.

The joint chiefs defended the president's budget and his limited war policy in Korea before Congress. Congressional frustration with the conduct of the war in Korea and election year politics resulted in Congress reducing the budget by almost 10 percent. After the 1952 presidential election many Republicans and conservative Democrats complained that the joint chiefs had become too closely identified with the partisan

²³ Korb, 100-102.

policies of the Truman administration and demanded that President Eisenhower replace them en masse.²⁴

Eisenhower Administration

During the Eisenhower administration the National Security Council decided upon a ceiling for defense expenditures by estimating total income, subtracting the projected expenditures of all other government agencies, and then allocating the remainder to defense. Secretary of Defense Wilson expected the chiefs to produce a budget that did not exceed the ceiling created by the NSC. However, during Eisenhower's term as president, the service budgets exceeded the ceiling by an average of 15 percent per year.²⁵ During this time the majority of the chiefs felt their primary duties were to provide military advice to the administration and protect the vested interests of their services. Taking into account political or economic criteria when developing the defense budget would compromise their military professionalism and their service interests. As a career soldier, President Eisenhower expected every member of the JCS to support his yearly defense budget before Congress. Eisenhower considered anything less than enthusiastic support for his budget as an act of disloyalty to the commander in chief. The joint chiefs followed Eisenhower's order during the first two years of his administration. However, from 1955 on, all the chiefs, except the chairman, took great exception to Eisenhower's budgets and on several occasions testified before Congress that the president's defense budgets reflected a misunderstanding of the extent of the Soviet military threat. General Maxwell Taylor told the Congress that the policies of the Eisenhower administration jeopardized national security. Specifically, Taylor urged the

²⁴ Korb, 102-103.

²⁵ Korb, 106.

Congress to provide additional funds to develop antiaircraft and antimissile missiles; increase air and sea lift capability; and expand tactical air support. In FY 1960, the service chiefs put their complaints about the Eisenhower administration in writing and sent them to Senator Lyndon Johnson's Senate Preparedness Subcommittee. Eisenhower publicly accused the JCS of legalized insubordination and attempted to amend the National Security Act to take away the chief's prerogative of informing Congress about their disagreements with the administration's defense policy.²⁶

Kennedy and Johnson Administration: The McNamara Era

John F. Kennedy was elected president in 1960 and hired Robert McNamara as his Secretary of Defense. In the 1950's, each service was given a predetermined budget figure by the White House and was free to allot it as it wished. The service chief's budget request lacked any joint focus or consideration of redundant capabilities; their budget submissions were simply the sum of the three individual service budgets.²⁷

McNamara found this process illogical and he turned to the Rand Corporation to develop a system of planning, programming, and budgeting, based on principles of economics and management accounting to justify procurement decisions.²⁸ Enthusiasm for McNamara's new budget process came from both sides of the aisle: from democrats who had called for a stronger defense and from republicans who agreed that Eisenhower had let U.S. defenses slip.²⁹ Kennedy and McNamara enjoyed strong support in Congress and they carried out the largest peacetime buildup in U.S. history to that time.

²⁶ Korb, 108-110.

²⁷ Korb, 97.

²⁸ Deborah Shapley, *Promise and Power, The Life and Times of Robert McNamara* (Boston: Little, Brown and Company, 1993), 102.

²⁹ Shapley, 102.

The foundation of McNamara's planning-programming-budgeting system (PPBS) was the Five-Year Defense Plan (FYDP). The FYDP is the master plan for the budget and contains the approved programs and their estimated costs projected for five years. The FYDP remains an essential part of the defense budget process today.

McNamara was quite explicit about how the joint chiefs should act during their congressional testimony. The chiefs were directed not to reveal their differences with administration policy. If Congress pressed them for their views, they were also to present the secretary's position. To ensure conformity, someone from McNamara's office was always present when a chief was testifying. During the period from 1961 to 1963 several of the service chiefs failed to follow the "party line" before Congress. In order to secure compliance from the chiefs, McNamara had the offenders replaced. After that the chiefs praised the administrations defense budgets without question. The chiefs were so compliant that on several occasions some congressmen asked them if they had lost their nerve, while others accused the chiefs of letting their services down.³⁰

The Carter Administration

During the Carter Administration the Pentagon was at odds with the administration over a sharp decline in overall defense spending and the cancellation of significant programs such as the B-1 bomber and reductions in naval shipbuilding. Secretary of Defense Harold Brown insulated the JCS from the administration and formally requested that the president deal with the JCS only through his office.³¹ In February 1977, General George S. Brown, Chairman of the Joint Chiefs, challenged the administration policies and urged Congress to continue the B-1 program. However, the

³⁰ Korb, 120.

³¹ Zbigniew Brzezinski, *Power and Principle* (New York: Farrar, Straus, Giroux, 1983), 45.

joint chiefs did not challenge the overall decline in defense spending. Following retirement in June 1978, General Brown commented that "advocacy of military requirements by senior military leaders up to the point when a binding decision is made by the civilian leadership has always been tolerated under our system."³² General Brown added that the joint chiefs often provided advice to the administration. However, the administration did not always heed their advice. "The law is very clear about the responsibility of the chiefs, which is to give advice to the civilian leaders. But the law is silent about what, if anything, the civilian leadership does about this advice, and that of course is the crux of the matter."³³

General David C. Jones was Air Force Chief of Staff when the B-1 program was canceled. Jones was criticized by many for not fighting hard enough for the B-1 bomber and that he bent too easily to his civilian superiors during his tenure as chief of staff. Jones said that he "genuinely regretted" Carter's decision to cancel the B-1 but "that was the president's decision. Senior officers who can not abide by the decision can retire."³⁴ In June 1978, Jones' support for the administration was rewarded with his selection as Chairman to replace the retiring General Brown. General Jones argued for reorganization of the military command structure during his tenure as Chairman and was influential in the adoption of the Goldwater-Nichols Act in 1986.

³² General George S. Brown, USAF (Ret.), "General Brown's Farewell Posture Statement," interview by Edgar Ulsamer, *Air Force Magazine* 61, no. 10 (October 1978): 43.

³³ General Brown, Ulsamer interview, October 1978, 44.

³⁴ General David C. Jones, quoted in Benjamin Schemmer, "Jones Argued; Brown Listened; Jones Won," *Armed Forces Journal International* (August 1978): 4.

Chapter 4

Department of Defense Budget Process

In his opening statement before the SASC, General Shelton referred to the “carefully shaped” defense budget designed to balance the competing requirements of the services. The goal of the current DOD budget system is to address “military requirements from a joint perspective and [make] integrated program and budget recommendations affecting the services’ warfare systems.”³⁵ According to General Shelton, this systems allows the pentagon to “fine tune” the budget from a joint perspective resulting in “just the right mix” of capabilities.³⁶ The Goldwater-Nichols Department of Defense Reorganization Act of 1986 shaped the current DOD budget process.

Goldwater-Nichols

Prior to 1986, the Defense Department budget process began when the Under Secretary of Defense for Policy issued the *Defense Guidance* document. This document was based on administration policy and fiscal guidance and on inputs from field commanders, services, joint chiefs, the OSD staff, and other relevant sources. The services created their annual programs on the basis of the *Defense Guidance*’s objectives and budget targets and then submitted them to the Secretary of Defense. The Secretary convened a defense committee to review the service budgets and recommend changes. The name and composition of the defense committee varied from administration to administration, but the function remained the same. At the time of Goldwater-Nichols it was called the Defense Resources Board and was chaired by either the Secretary or

³⁵ Admiral William A. Owens, USN(Ret.), quoted in Glenn W. Goodman, Jr., “An Interview with Admiral William A. Owens,” *Armed Forces Journal* (February 1995): 36.

Deputy Secretary and included the service secretaries, Assistant Secretaries of Defense, and the chairman of the Joint Chiefs of Staff. The service chiefs attended as observers.³⁷

After the committee's review, the defense budget was submitted to the president. In 1982, General David Jones, USAF (Ret.), who served as both Chairman of the Joint Chiefs (1978-82) and Chief of Staff, U.S. Air Force (1974-78), described the defense budget process as follows:

The result of this tedious process is a defense budget derived primarily from the disparate desires of the individual services rather than from a well-integrated plan based on a serious examination of alternatives by the civilian and military leadership working together. Inevitably, a secretary of defense either supports a total program that is roughly the sum of the service inputs (limited by fiscal guidance) or resorts to forcing changes, knowing that advocates of disapproved programs will continue the opposition into the congressional hearings.³⁸

Goldwater-Nichols significantly changed the Pentagon budget process and the role of the service chiefs. One of the most important outcomes of Goldwater-Nichols was the increased power and influence of the chairman of the Joint Chiefs and the joint staff. Goldwater-Nichols identifies the chairman of the Joint Chiefs of Staff as the senior-ranking member of the Armed Forces. As such, the chairman is the principal military adviser to the president. He may seek the advice of and consult with the other JCS members and combatant commanders. When he presents his advice, he presents the range of advice and opinions he has received, along with any individual comments of the other JCS members. The Act also gives to the chairman some of the functions and responsibilities previously assigned to the corporate body of the Joint Chiefs of Staff. The most important functional change involved the role of principle military advisor to

³⁶ Committee on Armed Services, *Status of U.S. Military Forces*, Hearing, 29 September 1998.

³⁷ General David C. Jones, USAF (Ret.), "Past Organizational Problems," *Joint Forces Quarterly* (Autumn 1996): 25.

³⁸ General Jones, "Past Organizational Problems," 26.

the National Command Authority. Prior to 1986, the chairman was merely the spokesman for the collective advice of the joint chiefs. After the passage of Goldwater-Nichols, the chairman and only the chairman was to be the principle military advisor to the president, the National Security Council and the secretary of defense. The broad functions of the chairman are set forth in Title 10, United States Code, and detailed in DOD Directive 5100.1.

Under Goldwater-Nichols, the secretaries of the military departments assign all forces to combatant commands (CINC's) except those assigned to carry out the mission of the services, i.e., recruit, organize, supply, equip, train, service, mobilize, demobilize, administer and maintain their respective forces. The chain of command to these combatant commands runs from the president to the secretary of defense directly to the commander of the combatant command. The chairman of the Joint Chiefs of Staff may transmit communications to the CINC's from the president and secretary of defense but he does not exercise military command over any combatant forces.

Joint Requirements Oversight Council (JROC)

The Joint Requirements Oversight Council (JROC) has become the chief mechanism through which the chairman prepares his advice to the secretary of defense and the president on the acquisition of big-ticket items.³⁹ In April 1987, the vice-chairman, a post created by Goldwater-

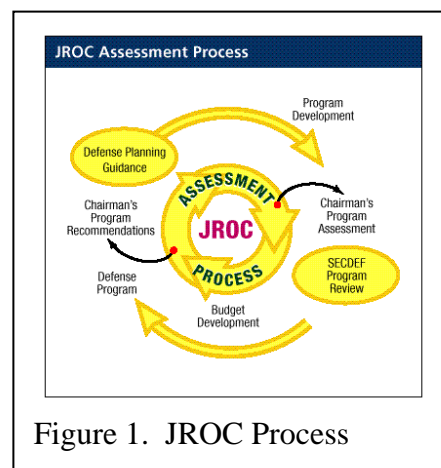


Figure 1. JROC Process

³⁹ Admiral William A. Owens, USN(Ret.) and James Blaker, "Overseeing Cross-Service Trade Offs," *Joint Force Quarterly* (Autumn 1996): 38.

Nichols, became the JROC Chairman and the JROC was expanded to institutionalize the military role in the requirements process. According to Admiral Owens, the 3rd Vice Chairman, the function of the JROC is to validate the "various proposals for major acquisition programs prior to the formal acquisition decision process."⁴⁰ In 1994, Admiral Owens expanded the charter of the JROC in the area of defense planning and programming so that it could better advise the chairman in meeting his statutory responsibilities. In addition, the vice-chairman introduced the Joint Warfare Capabilities Assessment (JWCAs) process. According to General Joseph Ralston, the current Vice Chairman of the JCS, "the JWCA teams assess areas with capability deficiencies, unnecessary duplication, or exploitable technologies, as well as areas where we may prudently accept risk."⁴¹ The resulting JWCA findings and recommendations are presented to the JROC for consideration.

The Chairman

Goldwater-Nichols requires that the chairman advise the secretary of defense on the prioritization of requirements for military hardware. This advice is provided by the Chairman's Program Assessment (CPA) which is based largely on the work of the JROC and is an alternative to the individual services draft budgets.⁴² Since 1994, the CPA has differed from – and in some respects actually challenged – the programs submitted by the services.⁴³ The chairman's input is used within the central process that sets the size and

⁴⁰ Owens and Blaker, 37.

⁴¹ U.S. Congress. Senate. Senate Armed Services Committee. *Department of Defense Modernization of Tactical Aviation Forces*, 106th cong., 1st sess., 10 March 1999.

⁴² Admiral Owens interviewed by Goodman, Jr., 36.

⁴³ Owens and Blaker, 39.

structure of the U.S. military: the Planning, Programming, and Budgeting System (PPBS).⁴⁴ Secretary of Defense McNamara developed the PPBS in the early 1960s.

According to Admiral Crowe, the first JCS chairman to hold office under Goldwater-Nichols, no matter how much authority he has, the chairman needs the chiefs' expertise and support. The joint chiefs solve ninety-five percent of the issues before them without the need for a "strong" chairman. But two areas are especially divisive in inter-service relationships: money and people.⁴⁵ Congress sets the number of service personnel and limits the number of flag and general officers the armed forces can have. Goldwater-Nichols empowered the chairman to draw independent conclusions, without agreement from the chiefs. Admiral Crowe viewed this as one of the legislation's most welcome advances and encouraged the chiefs to include a dissenting opinion if they wanted to, however they never did.⁴⁶

The Service chiefs

The military service chiefs are often said to "wear two hats." As members of the Joint Chiefs of Staff, they offer advice to the president, the secretary of defense, and the National Security Council (NSC). As the chiefs of the military services, they are responsible to the secretaries of their military departments for management of the services. For example, Goldwater-Nichols says that the chief of naval operations shall, under the authority, direction, and control of the secretary of the Navy, train, equip, and maintain the Navy. The service chiefs serve for four years. By custom, the vice-chiefs of the services act for their chiefs in most matters having to do with day-to-day operation of

⁴⁴ Owens and Blaker, 38.

⁴⁵ William J. Crowe, Jr., *The Line of Fire: From Washington to the Gulf, the Politics and Battles of the New Military*, New York: Simon and Schuster, 1993, 160.

⁴⁶ Crowe, 160.

the services. The duties of the service chiefs as members of the Joint Chiefs of Staff take precedence over all their other duties.

A service chief is supposed to be both a service advocate in his role as a service chief, and an impartial judge of competing requirements as a member of the Joint Chiefs. This dual responsibility creates a fundamental conflict of interest.⁴⁷ Each service chief holds certain parochial beliefs dearly. The service communities expect their leaders to protect their traditional service interests or provide a very good reason for not doing so. The service chiefs must have some type of consensual base in their own service to be effective – just as a president or CEO must have his base support. He can occasionally depart from traditional norms but he must do it skillfully and educate his service members as he goes. Otherwise he risks losing credibility and his support base.⁴⁸

The retired community keeps a close eye on the chiefs and sponsors a large number of organizations that meet often and provide a social milieu for members and their families. If the retired community does not like what is going on it will tell the service chiefs it does not like it, and retired service members do not mince words.⁴⁹

Prior to 1986, the job of the chairman was to represent the collective wisdom of the service chiefs. After the passage of Goldwater-Nichols, the chairman and only the chairman was to be the principle military advisor to the president, the National Security Council and the secretary of defense.⁵⁰ Technically and statutorily, the chairman has all the necessary authority to hold meetings, ask the chiefs their opinion, then go ahead and recommend whatever course he wants. However, the chairman needs the support of the

⁴⁷ General Jones, "Past Organizational Problems," 27.

⁴⁸ Crowe, 156.

⁴⁹ Crowe, 156.

service chiefs in order to be effective. According to General Mundy, "the effectiveness of the joint chiefs is a function of personalities - it's like any boardroom anywhere in America. Colin Powell was probably the best consensus builder I have ever met. With that type of leadership the collegiality is great and the effectiveness of the JCS is enhanced."⁵¹ General Powell was an effective consensus builder but he also was not hesitant about making recommendations on his own on policy and budget.⁵²

In addition to the increased power of the chairman, service chiefs must also contend with the increased power of the joint staff. General Mundy's principle concern about Goldwater-Nichols is not the power of the chairman but a "joint staff that believes itself to be the commander's staff - it is not. It is also a consensus and coordination body. It takes service advice and input and provides that input to the Joint Chiefs as a body, including the service chiefs."⁵³

As a counter to the increased power of the chairman and the joint staff, Goldwater-Nichols allows the service chiefs to present a dissenting opinion if they want to. However, a dissenting member can present a divergent position to the National Command Authority perhaps once or twice during his tenure and remain effective.⁵⁴ Thus, the net effect of Goldwater-Nichols has been to reduce the ability of the service chiefs to influence JCS budget and policy positions.

During the September 1998 hearing, Senator Warner asked the service chiefs if any of them had sought the opportunity, under Goldwater-Nichols, to counsel with the

⁵⁰ Howard Means, *Colin Powell, Soldier/Statesman. Statesman/Soldier* (New York: Donald I. Fine, Inc., 1992), 256.

⁵¹ General Carl E. Mundy, USMC (Ret.), 30th Commandant of the Marine Corps, interview by author, 24 March 1999.

⁵² Former Under-Secretary of the Navy James Woolsey, quoted in Howard Means, *Colin Powell, Soldier/Statesman. Statesman/Soldier*, 258.

⁵³ Mundy interview.

president and express their individual views and concerns about military funding and readiness. The service chiefs answered that they did not individually seek counsel with the president. However, the JCS en masse, met with the president two weeks prior to the hearing to express their concerns and ask for an increase in defense spending.⁵⁵

During the September hearing, Senator Robert Smith (R-NH) asked the service chiefs if their “policy superiors” were heeding their advice? General Krulak, the Commandant of the Marine Corps, answered “not entirely.” The other members of the JCS answered as follows:

General Ryan: “There’s not enough money over there to be able to address all of our requirements.”

General Shelton: “I would say in all candor that I think they are in fact listening to what the concerns are that we have and, within the budget that we’re given to deal with, addressing those concerns.”

Admiral Johnson: “I think that everyone is paying very strict attention to what is being said, Senator. I would like to think that support will be consistent and positive coming out of that, and I believe that it will.”

General Reimer: “Senator, they’re listening, but there is too little resources chasing too many requirements.”⁵⁶

These answers are illustrative of the desire of the JCS, with the exception of General Krulak, to avoid directly challenging the president’s policies. However, the charts in Appendix A indicate a miss match between the National Military Strategy, as developed by the president, and the resources allocated in the administration’s defense budget to carry out that strategy. The principle concern of the president and the secretary of defense is the general level of the budget, not the specifics underlying it. While they may have been listening to the recommendations of the service chiefs, they did not heed their advice in terms of the recommended size of the procurement budget. By most

⁵⁴ Bourne, 103.

⁵⁵ Committee on Armed Services, *Status of U.S. Military Forces*, Hearing, 29 September 1998.

⁵⁶ Committee on Armed Services, *Status of U.S. Military Forces*, Hearing, 29 September 1998.

accounts, the Goldwater-Nichols Act and the development of the JROC have increased efficiency in the allocation of budget resources within the Department of Defense.

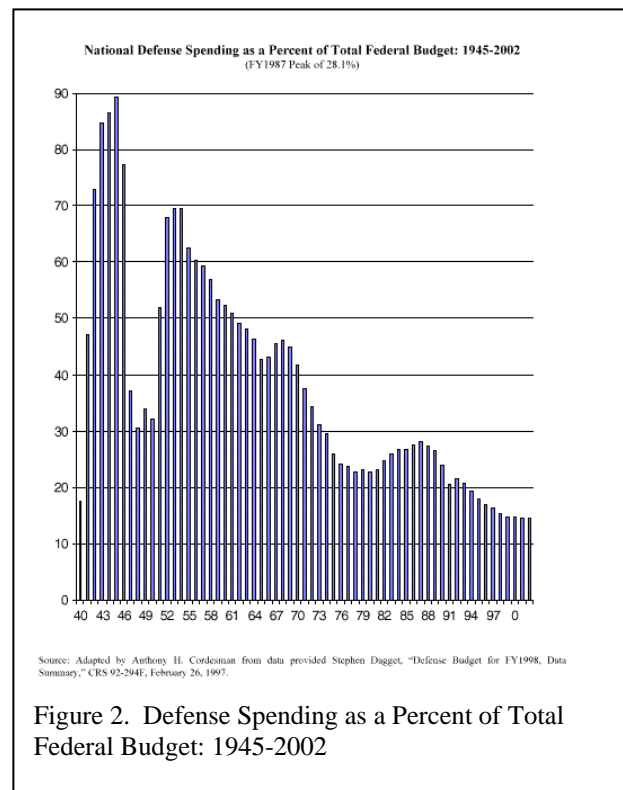
However, Goldwater-Nichols inhibits dissent and reduces the influence of the service chiefs. Moreover, the overall size of the president's budget request remains a purely political decision over which the joint chiefs have little influence.

Chapter 5

Politics and the Defense Budget

Each year, the federal government raises and spends more than \$1.5 trillion. The budget process is widely regarded as a complex, time-consuming, and arcane set of activities often suffused with controversy, frustration, and delay. Prior to Goldwater-Nichols, most experts investigating the issue of DOD reorganization considered it important to change the way Congress did business with the Defense Department. However, the final bill addressed JCS and DOD shortcomings while ignoring completely the recommendations regarding the structure and practices of the Congress. Most felt there was not much to be gained from restructuring the Pentagon without at the same time reshaping the congressional machinery.⁵⁷

In the FY1999 budget, defense spending is 15% of the overall federal budget. Despite this relatively low percentage, the defense budget is a highly charged political issue. The president may vary the overall size of the defense budget based, in part, on domestic political concerns. He will influence the voters by either being strong on defense, and raising the defense budget as President Reagan



⁵⁷ Crowe, 148.

did, or shifting funds from defense to domestic programs as President Clinton has done. Admiral Crowe described Former Secretary of Defense Cheney's method for estimating the overall level of the defense budget as follows:

Cheney was able to sit down before we began our testimony, scratch out some figures on a piece of paper, and say, I suspect the president will eventually approve a defense budget about like this. I suspect the Senate will go for this figure here, and the House will go for that figure. There'll be a conference and they'll end up with something like this figure here. He was not thinking about testimony or debate on specific issues. He was using his politician's instinct to sense the mood of the country and calculate how the national mood would translate itself through the medium of Congress into an increased or decreased defense budget.⁵⁸

The president must submit his budget, officially referred to as the *Budget of the United States Government*, to Congress no later than the first Monday in February. The budget consists of estimates of spending, revenues, borrowing, and debt; policy and legislative recommendations; detailed estimates of the financial operations of federal agencies and programs; data on the actual and projected performance of the economy; and other information supporting the President's recommendations.

The president's budget is only a request to Congress; Congress is not required to adopt his recommendations. The Constitution does not provide for a budget, nor does it require the president to make recommendations concerning the revenues and spending of the government. Until 1921, the federal government operated without a comprehensive presidential budget process. The Budget and Accounting Act of 1921 provides for a national budget system and requires that the president should prepare and submit a budget to Congress each year. Although Congress has amended the statute many times, it

⁵⁸ Crowe, 232.

provides the legal basis for the presidential budget, prescribes much of its content, and defines the roles of the president and the agencies in the process.⁵⁹

Congress

According to Congressman Ike Skelton, “under the U.S. Constitution, Article 1, Section 8, it is Congress’ duty, not the president’s – let alone the secretary of defense or the Joint Chiefs of Staff – to determine the size and composition of our Armed Forces.”⁶⁰ Article I, Section 8, assigns to Congress the power “To raise and support armies ... provide and maintain a navy; [and] make rules for the government and regulation of the land and naval forces.” Therefore, it is Congress' responsibility to ensure that the military is adequate to defend the United States and its national interests. “Indeed, there is no more important duty for Congress than to provide for the common defense.”⁶¹ Congress is ultimately responsible for *approving* a strategy to guide U.S. military policy and, above all, to establish a proper balance between national strategy and resources available.⁶²

In dealing with the defense budget, congressmen walk a fine line between national interests and the interests of the individual districts and states they represent. congressmen are ultimately accountable to the people of their home states and districts and the guiding principle of American politics is that "all politics is local." With that in mind, congressmen often support a particular defense program on the basis of its economic impact on their constituents. A well-known anecdote says that the “perfect”

⁵⁹ Robert Keith, *A Brief Introduction to the Federal Budget Process*, Monograph, Congressional Research Service (Washington, DC: November 1996), 6-7.

⁶⁰ Congressman Ike Skelton, “The Constitutional Role of Congress: Lessons in Unpreparedness.” *Military Review* 77, no. 4 (July – August 1997): 93.

⁶¹ Skelton, 93.

⁶² Skelton, 93.

defense procurement program includes components produced in each of the 436 congressional districts. Economy and efficiency in defense spending are often secondary to the realities of the American political system.⁶³

Admiral Crowe described the congressional process as follows:

Very early in the game the congressional leaders start talking to their colleagues, feeling out the mood from the various constituencies and sensing how far their influence might move people in one direction or another. Then the leaders talk to each other. One will say, "well, I've met with my people and you've met with yours. What do you think can get by?" And the second one says, "This year we can't get support for more than \$270 billion." At that point the Secretary of Defense comes over and testifies for \$290 billion. He gets some support from his congressional advocates, which precipitates a good deal of marching up and down and sniping back and forth. But in the end, if the Speaker of the House originally said he didn't think there was more than \$270 billion in the country, then that is the figure that will most likely wend its way through Congress.

Political Decision Making

The increased role of Congress in national security can, according to David Hendrickson, "encourage the intrusion of narrow political consideration into the determination of matters that ought ideally to be resolved by professional experts."⁶⁴ Until the middle of the 20th century, the United States did not face a serious external threat that required a large standing military in peacetime. The Cold War changed that, and gave defense issues a salience that brought intense scrutiny by Congress. During the Cold War the military began to use a portion of the national income unprecedented in peacetime, thus linking military strategy to the economic health of the nation.⁶⁵ Congress provided the money for a large standing military the 50's and 60's in lump sum appropriations. It wasn't until after the Vietnam War and Watergate that Congress began

⁶³ Mundy interview.

⁶⁴ Douglas V. Johnson, II and Steven Metz, *American Civil-Military Relations: New Issues, Enduring Problems*, Monograph, U.S. Army War College (Place: date), 7.

to assert closer control over defense spending and the formulation of national defense strategy. This led increased politicization of the defense budget and increased congressional micro management of the Defense Department.

Bargaining, compromise, and consensus building mark political decision-making. Trade-off's, deals, and "backscratching" are tools of the trade. Politics assumes that individual interests coexist with collective interests that apply to all. Political decision making thus seeks solutions that all can abide rather than the "best" outcome in terms of long-range effectiveness or efficiency.⁶⁶

Military officers traditionally use a more formal decision making process to arrive at the most efficient and successful strategy to win the nations wars. According to General Colin Powell, "there isn't a general in Washington, who isn't political, not if he's going to be successful, because that's the nature of our system."⁶⁷ Admiral William Crowe said "Few officers these days made it into the higher ranks without a firm grasp of international relations, congressional politics, and public affairs."⁶⁸ Yet few officers ever grow fully comfortable with political-style decision making. The joint chiefs go through an exhaustive process to determine the military capabilities needed to defend United States interests and win the nations war. It is a logical process that strives to provide the resources needed by the commanders in chief of the regional commands. Military

⁶⁵ Johnson and Metz, 8.

⁶⁶ Johnson and Metz, 9.

⁶⁷ General Colin Powell, USA (Ret.), quoted in Bob Woodward, *The Commanders*, (New York: Simon and Schuster, 1991), 23.

⁶⁸ Crowe, 23.

professionals historically have been contemptuous of political decision making because it appears to second-guess the military's advice about what is best for the country.

Chapter 6

Congressional Budget Process

Due to the high volume and complexity of its work, Congress divides its tasks among approximately 250 committees and sub committees. The chair of each committee primarily controls the committee's business and a majority of its members come from the majority party. The influence of committees over measures extends to their enactment into law. A committee that considers a measure will manage the full chamber's deliberation on it. Committees conduct oversight to assure that those administering programs carry out the policy intentions of legislators, and to assess the adequacy of programs for changing conditions.⁶⁹

There is general agreement among scholars who study the Congress that congressional behavior is mainly committee behavior. The role of Congress in defense policy is greatly influenced by the roles and behavior of the military committees – House Committee on Armed Forces, the Senate Committee on Armed Forces, and the Subcommittees on Defense Appropriations.⁷⁰ Since the mid-1970's, the influence of the Senate and House Armed Services Committees has increased based on the increasing portions of the defense budget subject to the requirement of annual authorization.

In theory, Congress exercises its appropriation power through a fixed chronological sequence:

1. The executive requests funds.

⁶⁹ *The Committee System in the U.S. Congress*, Congressional Research Service, Library of Congress. August 29, 1994.

⁷⁰ Edward J. Laurance, "The Congressional Role in Defense Policy Making," *Armed Forces and Society*, Volume 6, Number 3 (Spring 1980): 436.

2. After deliberation, Congress **authorizes** the programs and activities for which the funds are sought. Typically, an authorization "sets up or continues the legal operation of a Federal program or agency either indefinitely or for a specific period of time or sanctions a particular type of obligation or expenditure within a program."⁷¹
3. Congress then enacts a separate **appropriation** "that permits Federal agencies to incur obligations or to make payments out of the Treasury for specified purposes."⁷² The appropriation legislation is usually, though not always enacted after the authorization. An appropriation may "earmark" the appropriated funds by restricting "the maximum or minimum amount that may be obligated or expended for specific purposes."⁷³
4. Theoretically, the process ends when the executive spends the funds appropriated.

Like the overall budget process, the national security appropriation process has a textbook model:

1. The executive branch formulates requests for funds through its national security and foreign assistance agencies: the Department of Defense (DOD), the Department of Energy (DOE), the State Department, and the intelligence community.
2. The president forwards the proposal to Congress with the rest of the annual budget.

⁷¹ William Banks and Peter Raven-Hannen, *National Security Law and the Power of the Purse*, New York: Oxford University Press, 1994, 43.

⁷² Banks and Raven-Hannen, 43.

⁷³ *Banks and Raven-Hannen*, 44.

3. The president then prepares and submits to Congress recommended authorization and appropriation bills.
4. The relevant committees in the House and Senate recommend and secure passage of **authorizations**. The authorization committees are the House Committee on Armed Services, the Senate Committee on Armed Services, and the House and Senate Intelligence Committees.
5. Relevant committees in the House and Senate then recommend and secure passage of separate **appropriation** bills. The House and Senate Appropriation Committees and their relevant subcommittees are responsible for passage of the appropriation bills. However, the Joint Economic Committee and the House and Senate Budget Committees may also become involved.
6. The national security agencies in the executive branch can then spend the funds in accordance with the prescriptions contained in the authorization and appropriation.

In the textbook model of the process, the authorizing committees recommend the policies that shape the national security activities. The appropriation committees then fund the activities based on fiscal concerns. The Congressional Budget and Impoundment Control Act of 1974, as amended, established the congressional budget process adding a third step to the traditional bifurcated authorization / appropriation process. The congressional budgeting process is centered on an annual concurrent resolution that sets aggregate budget policies and priorities for the next five fiscal years. Because a concurrent resolution is not a law, it does not have statutory effect and it does

not raise or spend money. The main purpose of the budget resolution is to provide a blueprint to guide the authorization, appropriations, and taxing committees in the preparation of the budget bills for the next fiscal year. The 1974 Act prevents, with some exceptions, the Congress from considering revenue, spending, and debt-limit measures for the upcoming fiscal year until it completes the budget resolution for that year.⁷⁴

The 1974 act, as amended, also created the House and Senate Budget Committees and the Congressional Budget Office (CBO). The Budget Committees prepare the budget resolutions, review the impact of legislation on expenditures, monitor the Congress's fiscal actions, and oversee the CBO.⁷⁵ The CBO serves as the primary source of information and analysis of fiscal matters for the Congress. At the same time the president is preparing his budget, the CBO prepares a report on spending goals and submits it to the Budget Committees by 15 February. Next, the relevant standing committees submit a report to the Budget Committees detailing their fiscal needs for programs within their purview. The Budget Committees then assemble the single 15 April budget resolution from the president's budget, the CBO report, the committee reports, informal discussions with members and staff, and the committees' own assessments.⁷⁶

Table 2. Congressional Budget Process Timetable

Deadline	Action to be completed
First Monday in February	President submits budget to Congress
February 15	Congressional Budget Office (CBO) submits report on economic and budget outlook to Budget committees.
February and March	Authorization Committee posture hearings.

⁷⁴ Banks and Peter Raven-Hansen, 49.

⁷⁵ Banks and Peter Raven-Hansen, 48.

⁷⁶ Banks and Peter Raven-Hansen, 49.

Six weeks after President's budget is submitted	Committees submit reports on views and estimates to respective Budget Committee
April 1	Senate Budget Committee reports budget resolution
April 15	Congress completes action on budget resolution
June 10	House Appropriations Committee reports last regular appropriations bill.
June 30	House completes action on regular appropriations bills and any required reconciliation legislation.
July 15	President submits mid-session review of his budget to Congress.
October 1	Fiscal year begins.

The Budget Committees examine program details in order to determine spending limits and establish priorities in preparation of the concurrent budget resolutions. The authorization and appropriations committees consider programs and policies in the same way they did before 1974, but in the context of a larger blueprint - the congressional budget.⁷⁷ However, because the deadlines are rarely met and the committees struggle to retain their independent roles in the national security appropriation process, the new budget overlay has not improved the process.⁷⁸

The Balanced Budget and Emergency Deficit Control Act of 1985 (known as Gramm-Rudman-Hollings) and the Budget Enforcement Act of 1990 (BEA) substantially revised the 1974 Act. BEA altered the congressional budget process by establishing guidelines for measuring compliance with BEA requirements. BEA divided the budget into discretionary programs and direct spending and receipts. As one of the categories of discretionary programs, defense has an independent budget ceiling and savings on defense may not be used to increase domestic or international spending.⁷⁹

⁷⁷ Banks and Raven-Hansen, 49.

⁷⁸ Banks and Raven-Hansen, 49.

⁷⁹ Banks and Raven-Hansen, 49-50.

JCS Role in Congressional Budget Process

During the September hearing, several senators expressed the view that the role of the Joint Chiefs in the congressional budget process is to provide legitimacy for the congressional budget. Senator Robert Smith expressed this view in the following statement to the JCS:

Again and again we hear from people under your chain telling us things about problems, and they get glossed over in the statements; we're not getting direct answers, until today. Each year the future never comes; each year we're told its somewhere in the future – case after case. This readiness crisis, as Senator McCain and others have said this morning, didn't come out of nowhere, it didn't happen within the last seven months. Now, the question isn't who is to blame for these problems. We're all to blame, every one of us on this committee, in this country, in the administration, and right there where you're sitting. The question is, what role have the Joint Chiefs played in this, and are you willing to keep playing it? That's what the issue is here. Does anybody have any idea what it's like politically for you here? Where the support is coming from in this committee? It's coming from people who strongly support this military and strongly have supported each on of you, day after day, week after week, month after month, year after year, program after program - sometimes privately and sometimes publicly. Where members of you have come to us privately and said, "For God's sake, please, pick up this for us, Senator, will you? and we've done it. But what happens? In the political realm we're told, "They're asking for things the admirals and the generals didn't request." And you're silent, collectively. How can [Congress] increase an inadequate budget that [the Joint Chiefs of staff] tell us is adequate and sell it to the American people? That's the problem.⁸⁰

Senator Smith view is not universally held within Congress. Congressman Murtha of the House Committee on Armed Services said recently that during congressional testimony, the guiding principle for the JCS should be civilian control of the military by the secretary of defense and the president. The service chiefs have a responsibility to fight for their programs within the executive budget process. However, once the president delivers his budget to Congress the JCS must publicly support the policies of the civilians above them at all times regardless of their personal views. In Congressman

Murtha's view, the service chiefs can provide private advice to Congress but there should be no public challenge of administration policies. He added that it was incumbent upon the Congress not to ask "embarrassing" questions that would force the JCS to make public statements that do not support administration policies.⁸¹

During the September hearing, Senator Santorum said that, in his view, the primary responsibility of the service chiefs was to represent their "constituents," which he defined as the service members. The implication of Senator Santorum's comments is that loyalty and support for the president's policies are secondary to this responsibility.

[One of my concerns] is, [and] I also share [this concern] with Senator Roberts and Senator McCain, is the forthrightness by which you, gentlemen, have come and testified before this committee about [readiness and modernization.] My feeling is, and I don't know if it's shared by other members of this committee, when you're at the top of the chain of command, you have a responsibility to represent the soldiers and sailors and airmen that are beneath you. And while the president of the United States is your commander-in-chief, I think when you come before this Congress, you have an obligation to represent the needs of those people and be forthright in advocating for them.⁸²

General Mundy, the Thirtieth Commandant of the Marine Corps, described the role of the service chiefs before Congress in the following terms;

I believe that the fundamental responsibility of the service chiefs is to the people. I feel my strongest responsibility as a service chief is directly to the people of the United States. The president and Congress are the elected officials of the people. The president is the commander-in-chief of the armed forces. So we [as military officers] are subordinate to him and carry out his orders. Military officers carry out the orders of the commander-in-chief but they are ultimately answerable to the people. I would say that the service chiefs have three bosses, the president, the Congress and the people of the United States.⁸³

⁸⁰ Committee on Armed Services, *Status of U.S. Military Forces*, Hearing, 29 September 1998.

⁸¹ Congressman Murtha, "The role of Congress in the development of National Security Strategy," lecture presented at the USMC Command and Staff College, Quantico, VA, 15 February 1999.

⁸² Committee on Armed Services, *Status of U.S. Military Forces*, Hearing, 29 September 1998.

⁸³ Mundy, interview.

During the congressional confirmation process, every service chief is required to assure the Congress that when appearing before them they will give their personal views when asked. The prospective service chiefs are told that it is their obligation, not a prerogative, to provide their personal views to the people's representatives in Congress.⁸⁴ The service chiefs walk a very fine line in balancing the competing requirements of the president and the Congress. During the September hearing Senators Smith and Santorum made it clear that, in their view, the service chiefs had deferred too much in favor of the president and were not providing the Congress the information, and political legitimacy, that is expected of them.

According to Pat Towell, who has covered defense issues and Congress since the mid 1970's for Congressional Quarterly; "the thing that sinks senior uniformed officials is when members [of Congress] get the sense that their institutional right to information is not being respected. There really is a sense of the members' right to information, and when they feel that is being toyed with, their wrath can be terrible."⁸⁵ Every Congressman expects the service chiefs to provide information when it is requested. The difference of opinion among Congressmen is how the service chiefs should provide that information. Senators Smith and Santorum expect the service chiefs to promote the interests of their services when testifying before the committee, in a public forum, irrespective of administration policy. However, Congressman Murtha argues that public statements by the joint chiefs threaten civilian control of the military and Congress should seek substantive information from the service chiefs in private only.

⁸⁴ Mundy interview.

⁸⁵ Pat Towell quoted in Howard Means, *Colin Powell*, 260.

The members of the joint chiefs perform several roles when dealing with Congress. They act as service advocate, representative of the administration, and advocate for the interests of the people of the country at large. Moreover, the service chiefs play a political role. Senator Smith implored the chiefs to provide legitimacy to the, essentially political, actions of the committee concerning the defense budget. The president also seeks legitimacy for administration defense policies through the support of the service chiefs. The joint chief's opposition to administration policy tends to weaken the president politically and, as Congressman Murtha suggested, threatened civilian control of the military.

The political role of the service chiefs is carried out in public and private. In the public forum, i.e. committee testimony, the political role is predominate. Former Secretary of the Navy Garrett said that committee hearings are "all a performance."⁸⁶ Congressmen almost always have their mind made up concerning budget issues prior to the hearings. The role of committee hearings is to gain legitimacy and political support for the policies the congressmen have already decided upon.

Prior to the annual posture hearings, the joint chiefs make frequent office calls on the members of the relevant congressional committees. During these private meetings the role of the service chiefs is more substantive. Informal meetings are an effective way for the service chiefs to communicate their concerns, as well as educate and advise the members on service programs. Every service chief wants to be on good relations with the committee members because they are ultimately going to make the decisions that shape the budget.⁸⁷

⁸⁶ Mundy interview.

⁸⁷ Mundy interview.

The Marine Corps and Congress

The current Commandant of the Marine Corps, General Krulak has consistently broken with the other service chiefs and provided testimony before Congress that has not supported the president's budget. During the February 1998 posture hearing, Senator Inhofe asked General Krulak if the president's FY1999 budget met the requirements of the Marine Corps. General Krulak answered: "I have answered [this question] consistently for 2 years. In the procurement line, it is not adequate."⁸⁸ During the September hearing, General Krulak said that he had consistently reported readiness problems and "got [his] butt chewed sometimes because of it."⁸⁹ General Mundy said that he too had experienced times when "the water got a little tepid over at the pentagon," because of his testimony to Congress.⁹⁰ General Krulak's testimony is indicative of his view of the role of the commandant. In his view, the number one role of the commandant is as an advocate for the men and women of the Marine Corps and support for the president's budget policies and programs is secondary.

The Marine Corps defers to Congress more than the other services in large part because of the "special" relationship between the Marine Corps and Congress. The Marines have an extraordinary rapport with Congress that is the envy of the other services and it has been that way for a long time. The Congress saved the Marine Corps in the early 1950's at a time when the executive branch wanted to do away with it. Congress created a statutory basis for the Marine Corps, which dictates that it will have 3 divisions and 3 air wings and stipulates their functions. The Marine Corps works very hard on its relationship with Congress because without it "the Marine Corps would be the

⁸⁸ Committee on Armed Services, *Posture Hearing*, Hearing, 5 February 1998.

⁸⁹ Committee on Armed Services, *Status of U.S. Military Forces*, Hearing, 29 September 1998.

most likely to go away.”⁹¹ The other service chiefs do not have a special political connection to the Congress like the Marine Corps does. Thus, they are more likely to defer to the president and avoid public statements that do not support the president’s policies.

⁹⁰ Mundy interview.

⁹¹ Mundy interview.

Chapter 7

Conclusion

One of the most important characteristics of the American political system is civilian control of the military. The Constitution created a dual responsibility for military affairs in order to separate the power of the purse and the sword. The senior leadership of the military operates in the boundary layer between the apolitical military and the political world of the civilian leaders. The testimonies of the current members of the joint chiefs, with the notable exception of General Krulak, support the policies and decisions of the commander in chief. They express their views within the Pentagon but once the president makes a decision the debate is over. However, the service chiefs will, on occasion, “cross the line” and challenge the President's policies when attempting to gain support for individual programs they deem essential to their service. According to General Mundy, every service chief will, from time to time, challenge the president’s policies. The important factor is how this is done. It must be done with deftness and tact. The September SASC hearing was a case of the joint chiefs challenging the president’s budget policies. However, it was done with deftness and tact to avoid the appearance of a direct public challenge of the president while at the same time providing political legitimacy to an increase in defense spending.

The September 1998 readiness hearing conducted by the Senate Committee on Armed Services was a good example of Washington power politics. The joint chiefs joined forces with like-minded allies in the Senate to orchestrate a public demonstration and put political pressure on the President to increase his FY2000 defense budget.

Republican members of the committee cooperated in this effort because they wanted to raise the level of defense spending. The historical record shows that the joint chiefs have no capability to influence the overall size of the defense budget. The president's FY2000 budget indicates that, even when joining forces with the Congress, the joint chiefs have limited influence on the overall size of the president's budget proposal. During the hearing the joint chiefs said that the FY1999 budget under funds the services by a total of \$17.5 billion in 1999. The president's FY2000 budget increases defense spending by \$112 billion over six years. However, the following chart shows that the president did not heed the advice of the joint chiefs despite his statements of support for their request following his September 1998 meeting with the joint chiefs and the secretary of defense.

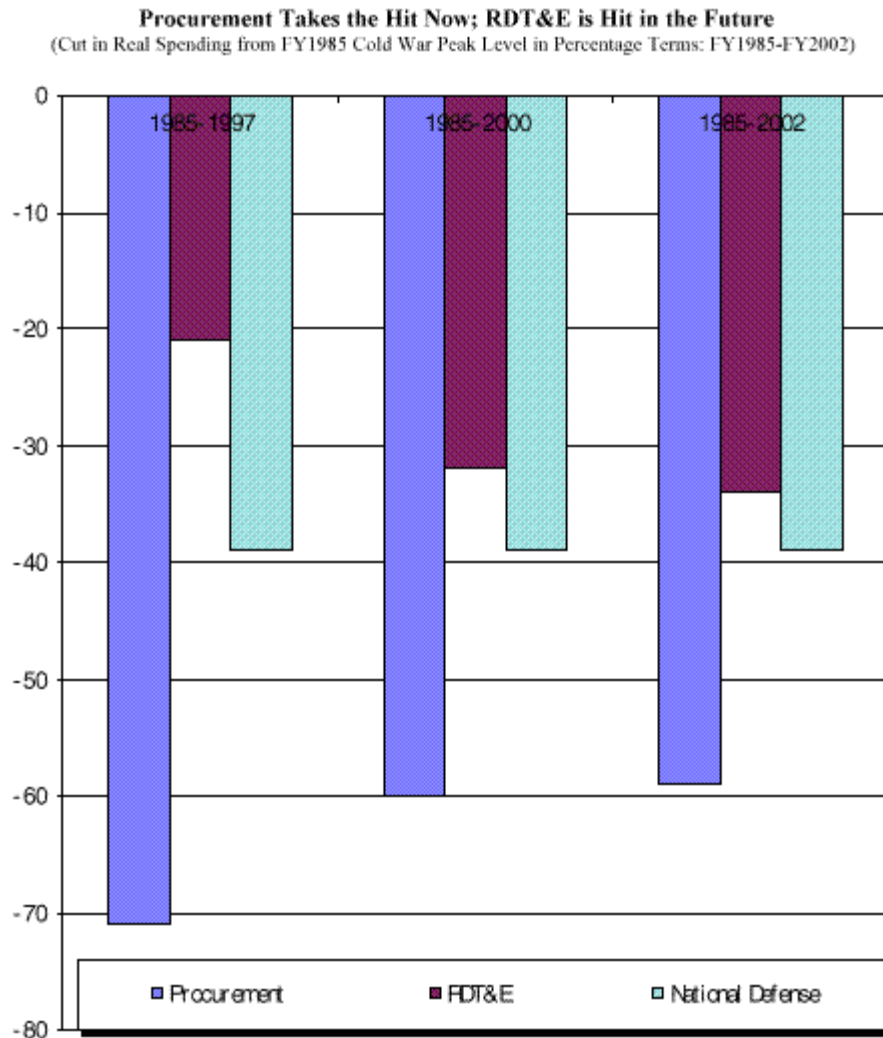
Table 3. President's FY2000 Budget Request

	Increase requested during September 1998 hearing	President's FY 2000 increase in funding
Army	\$5 billion	\$2.5 billion
Navy and Marine Corps	\$ 7.5 billion total	\$ 3.3 billion
Air Force	\$ 5 billion	\$3.5 billion

The predominant role of the Joint Chiefs of Staff in the executive and congressional budget process is political. The JROC established a precise and logical resource allocation process and reduced the inter-service competition within the Pentagon. However, the overall size of the defense budget is a political calculation made by the president and the Congress. There is no evidence to suggest that the joint chiefs have the ability to significantly affect the overall level of president's defense budget request. The public role of the joint chiefs in the budget process is not substantive and but provides legitimacy to the political policies of the president and the Congress.

Appendix A

History of Defense Spending

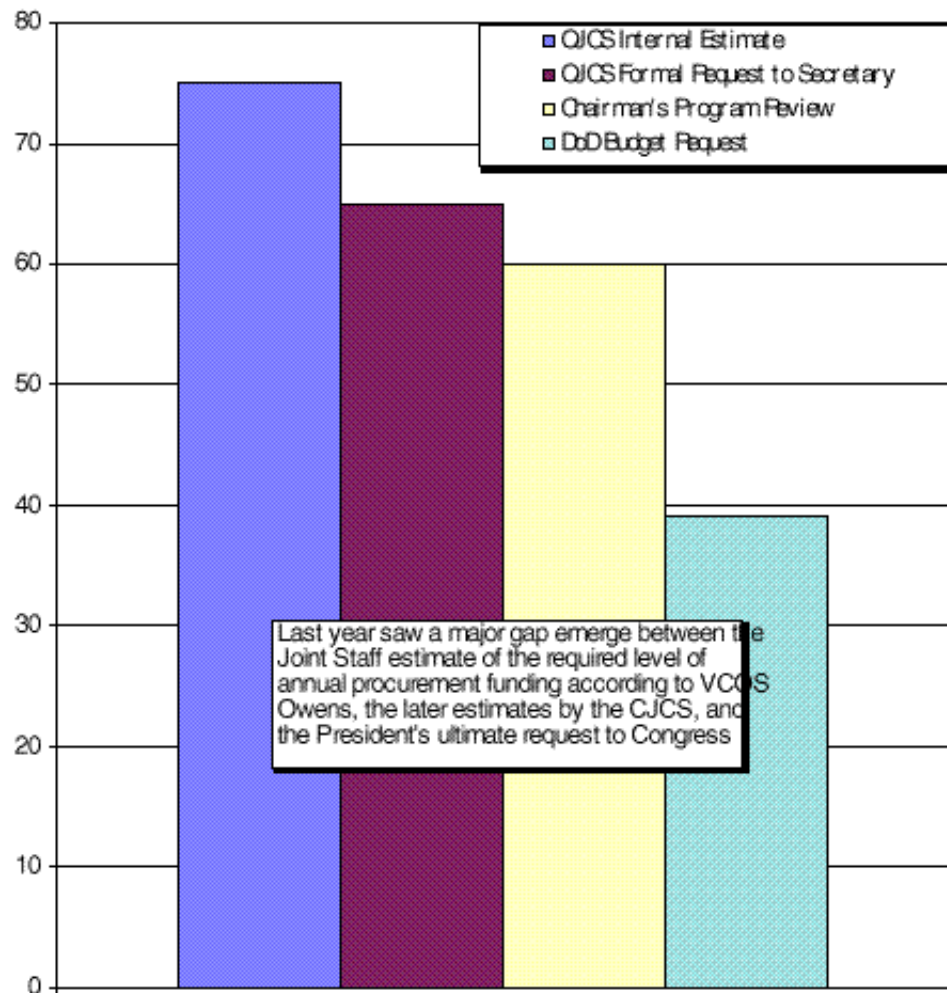


Source: OMB as of March 1996, OSD Comptroller deflators, and CRS IB96023

Figure 3. Cuts in Procurement Since the Cold War⁹²

⁹² Anthony H. Gordesman, *The Crisis in US Defense Spending: A Reality Check*, Monograph, Center for Strategic and International Studies (Washington, DC: January 1999), 39.

**Program Cost versus Budget Request:
Shifts in Department of Defense Procurement Request for FY1997**
(in Current FY96 \$Billions)

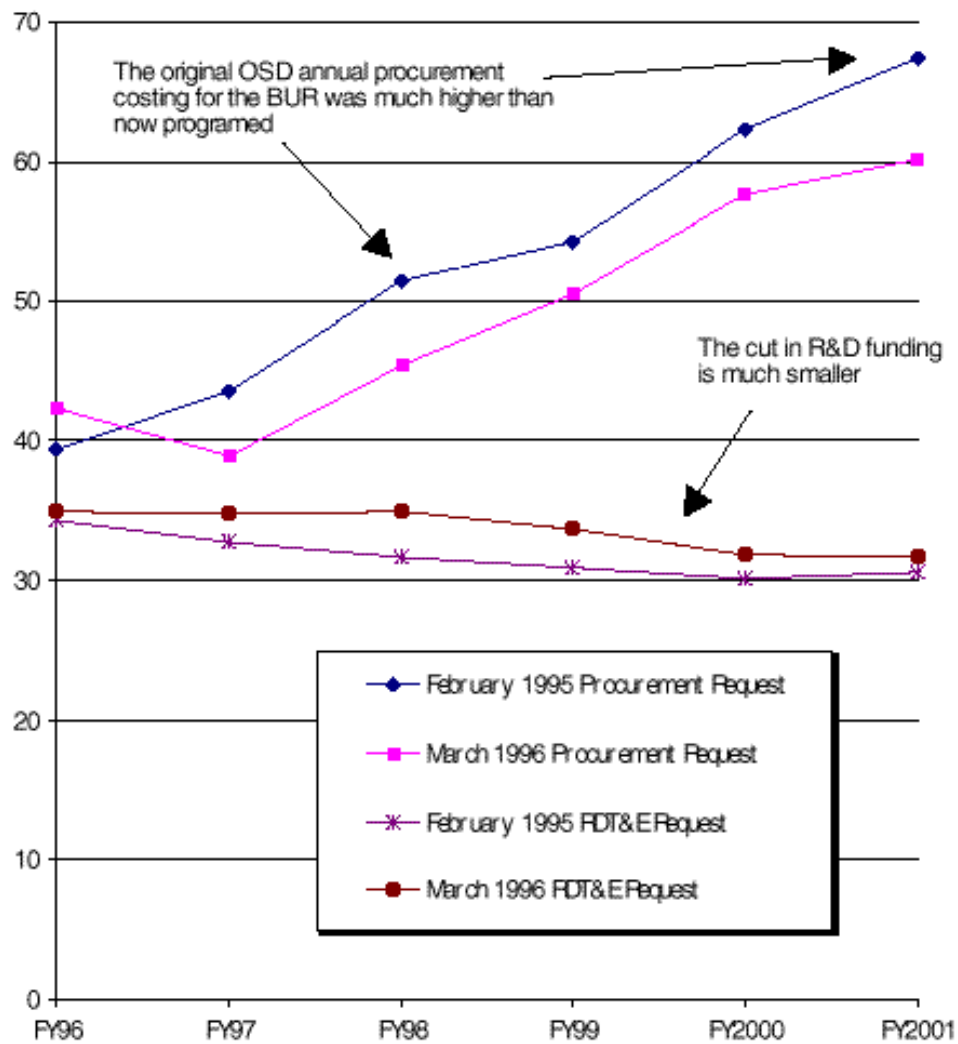


Source: Vice Admiral William Owens and CRS IB96023

Figure 4. Program Cost Verses Budget Request⁹³

⁹³ Cordesman, 41.

**The Recapitalization Problem: Downsizing Procurement and RDT&E in the FYDP
Between the FY1995 and FY1996 Budget Submissions**
(in Current \$Billions)

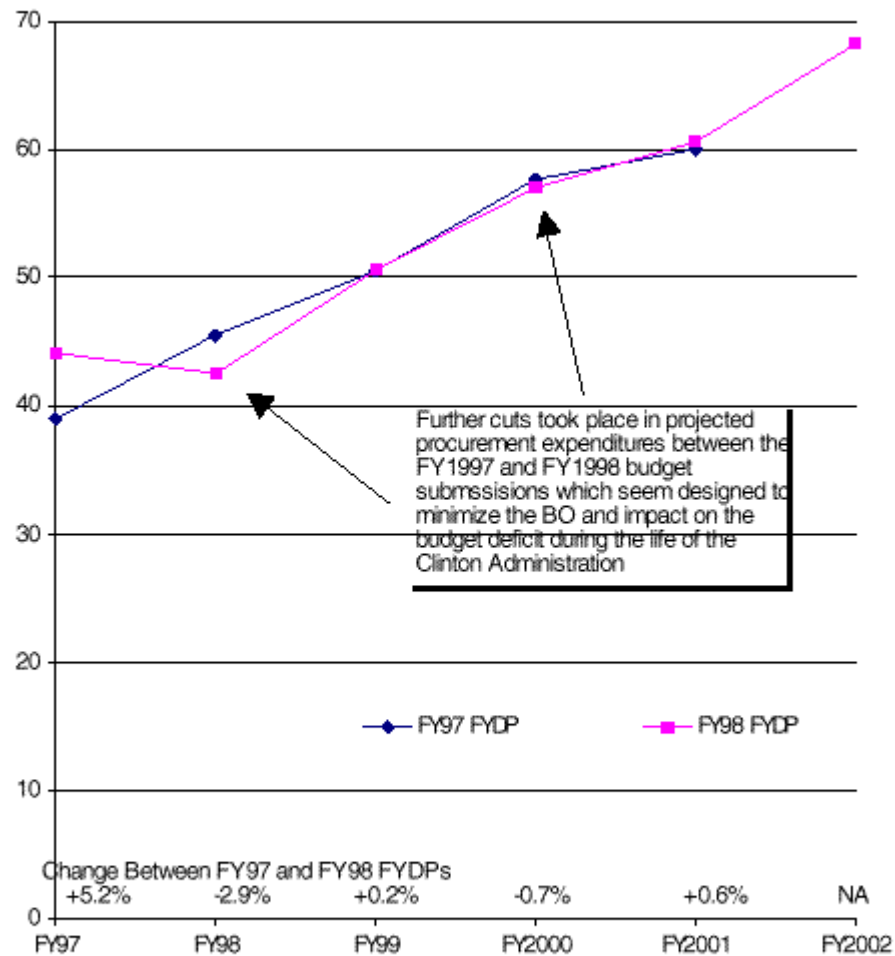


Source: Department of Defense and CRS IB96023

Figure 5. Downsizing Procurement in the FYDP.⁹⁴

⁹⁴ Cordesman, 40.

The Recapitalization Problem: Downsizing the Procurement Section of the FYDP Between 1997 and 1998
(in Current \$Billions)



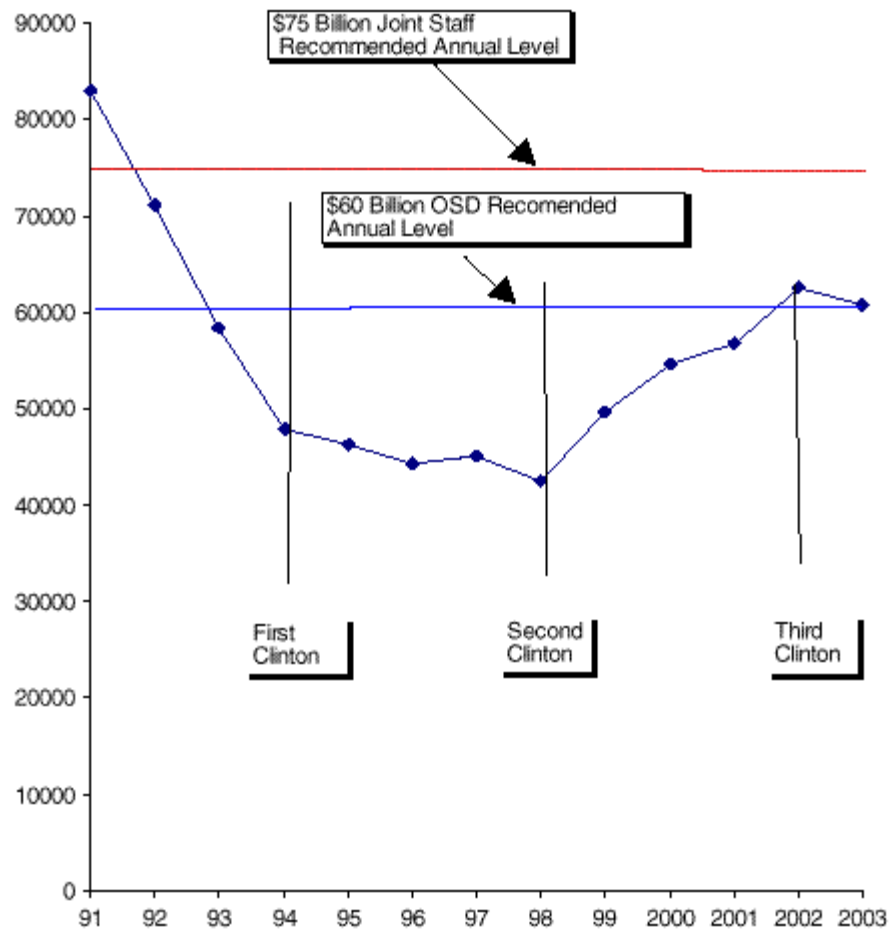
OMB Bottom Line for "Rolling Get Well": Defense procurement in BA in constant \$US 1998 declined by 53% during FY1990-1997, but will increase by 47% during FY1997-2002

Source: Department of Defense, February 6, 1997 and OMB February 24, 1997

Figure 6. Downsizing the Procurement Section of the FYDP Between 1997 and 1998⁹⁵

⁹⁵ Cordesman, 42

The Recapitalization Problem: Deficit Relative to the Joint Staff Annual Spending Goal of \$75 billion and the OSD Goal of \$60 Billion
(O51 BA in Constant \$US 1998 Millions)



Annual Deficit between Projected Actual Spending and the \$75 Billion or \$65 Billion Annual Spending Goal at

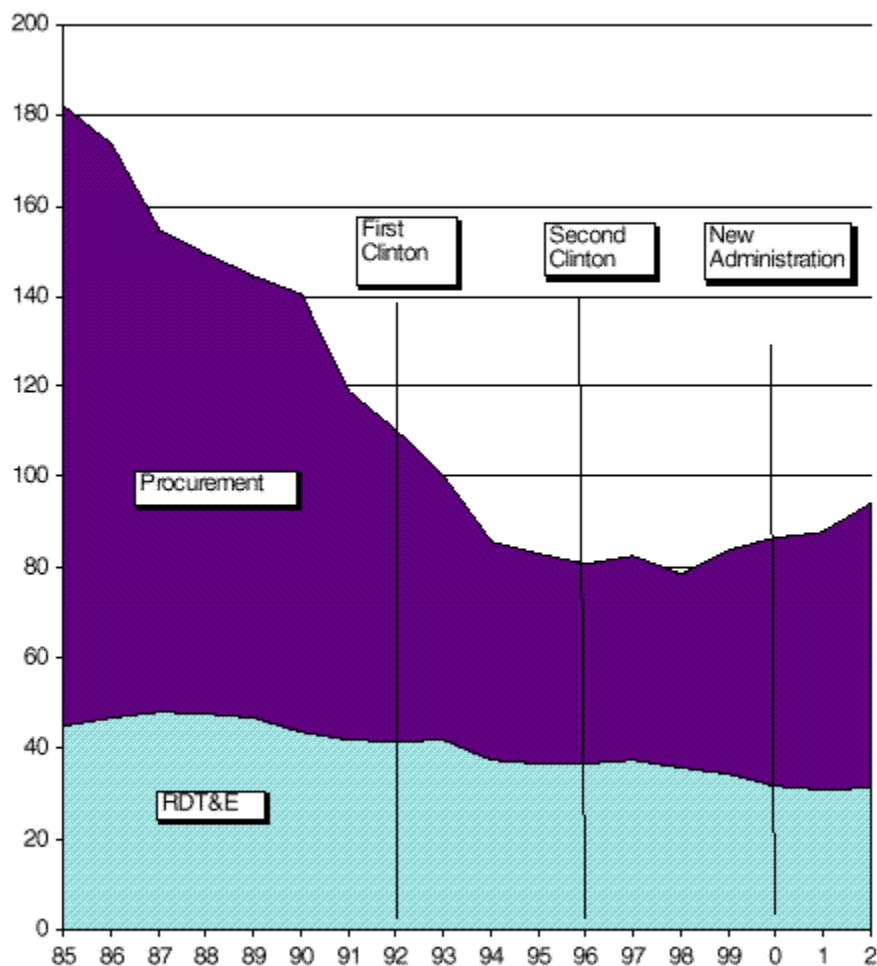
\$75B	+7.9	-3.8	-16.5	-27.1	-28.6	-30.7	-29.9	-32.4	-25.3	-20.4	-18.0	-12.4	-14.2
\$60B	+22.9	11.2	-1.5	-12.1	-13.6	-15.8	-14.9	-17.4	-10.3	-5.4	-3.0	+3.6	+0.8

Source: OSD Comptroller, April 3, 1997

Figure 7. Procurement Deficit Relative to the Joint Staff Annual Spending Goal⁹⁶

⁹⁶ Cordesman, 43.

**The Decline in US RDT&E and Procurement Spending Since the End of the Cold War in
Constant Dollars: FY1985-FY2002**
(BA in Constant FY98 \$Millions)



Adapted by Anthony H. Cordesman from data provided by Stephen Dagget, "Defense Budget for FY1998, Data Summary," CRS 92-294F, February 26, 1997.

Figure 8. Decline in RDT&E and Procurement Spending Since the End of the Cold War⁹⁷

⁹⁷ Cordesman, 36.

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